UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 May 2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,13 and 20-37* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,13 and 20-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____ .

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date *3/16/09*.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Specification

1.   The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Information Disclosure Statement

2.   The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

3.   The information disclosure statement filed **4/14/2005** fails to comply with 37 CFR

1.98(a)(1), which requires the following: (1) a list of all patents, publications,

applications, or other information submitted for consideration by the Office; (2) U.S.

patents and U.S. patent application publications listed in a section separately from

citations of other documents; (3) the application number of the application in which the

information disclosure statement is being submitted on each page of the list; (4) a

column that provides a blank space next to each document to be considered, for the

examiner's initials; and (5) a heading that clearly indicates that the list is an information

disclosure statement. The information disclosure statement has been placed in the

application file, but the information referred to therein has not been considered.

4.   The listing of references in the specification is not a proper information disclosure

statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other

information submitted for consideration by the Office, and MPEP § 609.04(a) states,

"the list may not be incorporated into the specification but must be submitted in a

separate paper." Therefore, unless the references have been cited by the examiner on

form PTO-892, they have not been considered.

5.   The information disclosure statement filed **4/14/2005** fails to comply with the

provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the applicant has not

provided a full copy of documents needed to be submitted with the 371 application,

copies of the non-patent literature and references listed in the IDS, and has not

provided a copies of references listed in the specification, such as ¶ 6 regarding the

UDDI website. It has been placed in the application file, but the information referred to

therein has not been considered as to the merits. Applicant is advised that the date of

any re-submission of any item of information contained in this information disclosure

statement or the submission of any missing element(s) will be the date of submission for

purposes of determining compliance with the requirements based on the time of filing

the statement, including all certification requirements for statements under 37 CFR

1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 112, first paragraph

6.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7.   **Claims 1, 13, and 21 – 27** are rejected under 35 U.S.C. 112, first paragraph, as

failing to comply with the written description requirement. The claim(s) contains subject

matter which was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventor(s), at the time the application

was filed, had possession of the claimed invention.

Specifically, the Examiner asserts that there is no support for

(1 and 13) computer hardware,

the step of finding a set of possible lower-level services, by a service (i.e. the

service finding a set of possible lower-level services),

(Claim 13) a database, and

(Claim 31) upon a stored preference not being available, the service using the

directory making the selection

Claim Rejections - 35 USC § 112

8.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9.   **Claim 1, 13, and 21 – 37** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10.   **Claims 1 and 13** are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: **the step of ranking the services**.

11.   In regards to **claim 29**, it is unclear how the claim is being performed since the service never made a selection to begin with and, as a result, it is unclear what is being overwritten.

12.   **Claim 30** recites the limitation **"the preferred service"** in **line 2 of claim 30**. There is insufficient antecedent basis for this limitation in the claim.

13.   In regard to **claim 30**, it is unclear what is meant by "obtained by reference to original preference." Specifically, was there another preference present in the claim, which results in referring back to the original preference? What is the original preference?

14.   In regards to **claim 31**, when was the preference stored? Since it was never stored when would this step never occur?

Claim Rejections - 35 USC § 101

15.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

16.   **Claims 1 and 21 – 31** are rejected under 35 U.S.C. 101. Based on Supreme

Court precedent and recent Federal Circuit decisions, the Office's guidance to an

examiner is that a § 101 process must (1) be tied to a particular machine or apparatus

or (2) transform underlying subject matter (such as an article or materials) to a different

state or thing. Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S.

584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v.

Deener, 94 U.S. 780, 787-88 (1876).

To qualify as a § 101 statutory process, the claim should recite the particular

machine or apparatus to which it is tied, for example by identifying the machine or

apparatus that accomplishes the method steps, or positively reciting the subject matter

that is being transformed, for example by identifying the material that is being changed

to a different state.

There are two corollaries to the machine-or-transformation test. First, a mere

field-of-use limitation is generally insufficient to render an otherwise ineligible method

claim patent-eligible. This means the machine or transformation must impose

meaningful limits on the method claim's scope to pass the test. Second, insignificant

extra-solution activity will not transform an unpatentable principle into a patentable

process. This means reciting a specific machine or a particular transformation of a

specific article in an insignificant step, such as data gathering or outputting, is not

sufficient to pass the test.

Here, applicant's method steps fail the first prong of the new test because the

claimed invention fails to set forth a particular machine that is specifically

configured/programmed to carry out the claimed invention. Specifically, the Examiner

asserts that the current claim language can be interpreted that the user, not the

apparatus, is performing the claimed invention. Although, computer hardware is

disclosed it is being interpreted that the computer hardware is nothing more than an

insignificant extra solution activity since it is being understood that the user, through the

use of the device, is performing many, if not all, of the disclosed steps of the method.

To be more specific, the claims have failed to set forth the particular piece of

equipment or mahcine that is specifically programmed to carry out, at least, the

indicating, invoking, finding, and applying steps of the claimed invention. As it is being

understood, it is the user, not the computer hardware, which is responsible for carrying

out these claimed steps.

Further still, the Examiner further asserts that each of the steps have not been

tied to any type of structure. The applicant has claimed a ranking machine, but has

failed to set forth whether this is just machine code, i.e. state machine or the like, or

whether it is an actual computer specifically programmed to carryout the claimed steps.

As a result, the Examiner asserts that the claimed computer hardware is nothing

more than an insignificant extra solution activity since the claims have failed to set forth

the specific structure of programming that has been performed to render the computer

hardware a particular machine that has been created to carryout the claimed steps.

With that said, it is being understood that it is the user performing the claimed steps and

that the user is just using the computer hardware as a means of inputting and viewing

information.

Further, applicant's method steps fail the second prong of the test because there

is no transformation of the data. It is asserted that the data has not been transformed

into another state or into another object.

The applicant is reminded that:

"Purported transformation or manipulations simply of public or private legal
obligations or relationships, business risks, or other such abstractions
cannot meet the test because they are not physical objects or substances,
and they are not representative of physical objects or substances.

(In re Bernard L. Bilski and Rand A. Warsaw Page 28)"

Moreover, the "transformation must be central to the purpose of the claimed

process.

(In re Bernard L. Bilski and Rand A. Warsaw Page 28)"

17.   **Claim 13** are rejected under 35 U.S.C. 101 because the applicant is claiming a

system with no structural components. As best understood by the Examiner from the

applicant's specification, the limitations set forth in the claims are directed to software

and software, per se, is not statutory. Moreover, the Examiner notes that the applicant

is claiming the system by what it does and not by the structure to perform the claimed

invention.

Further still, the Examiner also notes that although computer hardware has been

introduced it is being understood that the terms are just describing the software. That is

to say, web service <u>computer hardware</u> architecture is just describing a type of

configuration and that the claimed limitations are describing all of the software involved

in a web service architecture. In other words, the amendment of <u>computer hardware</u>

does not change the scope of the claim and is just being used to describe the web

service architecture.

Claim Rejections - 35 USC § 103

18.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

19.   **Claims 1, 13, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable

over **Mendelevitch (US PGPub 2003/0130993 A1)**.

20.   In regards to **claims 1, 13, and 20 – 26**, **Mendelevitch** discloses a method for

ranking services in a web services architecture having a hierarchy of services with a

root originating service requestor, a service of a first level in the hierarchy calling a

service of a lower level, the method comprising:

        indicating a preference regarding at least one service and a ranking machine

having a choice algorithm based on the preference **(Page 2 ¶ 14; Page 4 ¶ 47; wherein**

a user provides parameters into the system and a classification engine which

provides confidence scores [rankings] is provided);

        finding a set of possible lower-level services by a service using a directory at

each level of the hierarchy **(Page 2 ¶ 13; see also Claim 13; wherein a set of**

documents are searched through a database [directory] which is arranged in a

hierarchy structure); and

applying the choice algorithm to the set of possible lower-level services, wherein

the lower-level services are selected from service requestors or service providers **(Page**

3 ¶ 43 wherein computer code is executed and applied to the documents in the

directory);

referring the set of possible lower-level services to the ranking machine from the

directory and returning a preferred sequence by the ranking machine to the directory,

wherein the referring the set of possible lower-level services to the ranking machine

from the directory is not visible to the service using the directory **(Page 1 ¶ 12; Page 4 ¶**

47, 49 – 53 wherein the classification engine receives the documents in order to

process them by classifying and ranking the documents and wherein the

processing is performed in the background, which obviously results in the

processing being performed in a manger that is not visible to the user); and

sending the set of possible lower-level services by the service using the directory

to the ranking machine and returning a preferred sequence by the ranking machine to

the service, wherein lower-level invocations of services in the hierarchy are not visible to

higher-level services **(Page 1 ¶ 12; Page 4 ¶ 47, 49 – 53 wherein the classification**

engine receives the documents in order to process them by classifying and

ranking the documents and wherein the processing is performed in the

background, which obviously results in the processing being performed in a

manger that is not visible to the user and wherein the final list of documents will

be provided to the user after the process has been performed by the

classification engine).

Mendelevitch discloses a method and system which provides a user (a

requestor) with a classification engine that is connected (which obviously includes the

use of a port) to a database in order to process documents in a database [directory].

Specifically, **Mendelevitch** provides a classification engine which takes into account the

user's parameters in order to properly classify and rank the documents.

However, **Mendelevitch** fails to explicitly disclose wherein the documents are

directed to services, i.e. lower-level services. Specifically, **Mendelevitch** fails to

disclose:

invoking services;

set of possible lower-level services;

service requestors or service providers;

a UDDI directory;

TModels; and

XML.

However, the Examiner asserts that the data stored in the directory is directed to

non-functional descriptive subject matter. That is to say, the type of data, i.e. lower-

level services, level of services, service requestors, and service providers, does not

affect how the method is carried out or stores the information. The type of data adds

little, if anything, to the claim's structure, and, thus, does not serve as a limitation on the

claims to distinguish over the prior art. As claimed, the steps of the invention would be

performed in the same manner regardless of the type of data that is being processed or

stored.

With that said, it would have also been obvious to one having ordinary skill in the

art of web services, and as admitted by the applicant in the Background, to have used a

tModel, since a tModel is a data structure representing a service type in a UDDI registry.

With that in mind, it is further asserted that one of ordinary skill in the art would have

also recognized the use of XML using the said structure since a web service is

described using a standard, formal XML notation, called a service description.

Consequently, it is asserted that one of ordinary skill in the art would have found

it obvious to use a UDDI directory as a means of finding a service, and turning the set of

data, i.e. tModel bags, into a set of tModels, wherein the underlying UDDI application

code carries out the referral and appends the location of the ranker machine to

subsequent XML flow, since all of the above processes are old and well known methods

in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at

the time of the invention that the sole difference between the primary reference and the

claimed invention is that the primary reference does not disclose that the documents are

directed to services, but would have realized that ultimately both are types of data. With

that said, one of ordinary skill in the art would have recognized that each individual

element and its function are shown in the prior art, albeit shown in separate references,

the difference between the claimed subject matter and the prior art rests not on any

individual element or function but in the very combination itself- that is in the substitution

of the documents, as taught by **Mendelevitch**, with the specific type of documents

(data) describing services.

Thus, the simple substitution of one known element for another producing a

predictable result renders the claim obvious.

21.   In regards to **claim 27**, **Mendelevitch** discloses wherein the preference

comprises at least one of ranking services in an order in which the originating service

requestor intends to use the services, excluding services from being used, and

providing other selection-influencing criteria **(Pages 4 – 5 ¶ 58 wherein other criteria**

(weighting schemes [threshold]) can be used in order to arrive at a final score).

22.   In regards to **claim 28**, **Mendelevitch** discloses wherein the preference is based

upon quality of service criteria comprising at least one of cost, efficiency, speed, and

reliability **(Page 1 ¶ 8 wherein efficiency is taken into account in order to determine**

the ranking and wherein one of ordinary skill in the art of ranking would have

found it obvious that ranking criteria can be based on cost [such as savings],

efficiency [how well one thing performs with another], speed [how fast can

something be completed, performed, etc. in relation to others], and reliability [for

example, is A more durable than B]).

23.   In regards to **claim 29**, **Mendelevitch** discloses wherein the preference

overrides a selection by the service using the directory **(see at least Page 2 ¶ 13 and**

Claim 1(d) wherein the user can manually reclassify the documents).

24.   In regards to **claim 30**, **Mendelevitch** discloses wherein upon the preferred

service not being available, a subsequent service is obtained by reference to original

preference **(obviously included in that, as discussed above, the results are ranked and one having ordinary skill in the art would just move onto the next best item on the list)**.

25.   In regards to **claim 31**, **Mendelevitch** discloses wherein upon a stored preference not being available, the service using the directory making the selection **(as best understood by the Examiner, the system has a set of default algorithms for making the selections Page 4 ¶ 52)**.

26.   In regards go **claims 32 – 37**, the Examiner asserts these limitations to be non-functional descriptive subject matter and the intended use of the supposed computer hardware architecture.

The Examiner asserts that the claims are only disclosing method steps and types of data and fail to further limit the computer hardware architecture and, thus, are considered to be nothing more than non-functional descriptive subject matter. Moreover, the claims fail to set forth the specific hardware structure responsible for carrying out the claimed steps and, as a result, further assert that the method steps are only claiming type of data. The type of data adds little, if anything, to the claim's structure, and, thus, does not serve as a limitation on the claims to distinguish over the prior art.

A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Response to Arguments

27.   Applicant's arguments filed **512/2009** have been fully considered but they are not

persuasive.

Rejection under 35 USC 101

28.   The rejections under 35 USC 101 have been maintained for the reasons stated

above.

Rejections under 35 USC 112, second paragraph

29.   Rejections under 35 USC 112, second paragraph, have been withdrawn due to

the provided amendments.

Rejections under 35 USC 103

30.   Applicant argues that **Mendelevitch** is directed towards non-analogous prior art

and cannot be properly applied against the claimed invention. Specifically, the applicant

argues that **Mendelevitch** is directed to categorizing incoming documents into topics

while the claimed invention is directed to ranking services in a web service architecture.

        However, the Examiner respectfully disagrees.

        Specifically, the Examiner has stated in the rejection that the type of data that is

being analyzed is nothing more than non-functional descriptive subject matter. It is

asserted that the claimed invention is nothing more than a program that allows a user to

rank, i.e. reorganize, data. What that data is supposed to be is completely irrelevant to

how the invention is carried out. One of ordinary skill in the art would have recognized

that the claimed invention would perform the same regardless of what data is being

analyzed.

USPTO personnel should inquire whether there should be a rejection under 35 U.S.C. 102 or 103. USPTO personnel should determine whether the claimed nonfunctional descriptive material be given patentable weight. USPTO personnel must consider all claim limitations when determining patentability of an invention over the prior art. In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 403-04 (Fed. Cir. 1983). USPTO personnel may not disregard claim limitations comprised of printed matter. See Gulack, 703 F.2d at 1384, 217 USPQ at 403; see also Diehr, 450 U.S. at 191, 209 USPQ at 10.

To be more specific, the Examiner asserts that the claimed invention is nothing more than the ranking of information and that one of ordinary skill in the art would have recognized that whether it is directed towards ranking services or documents the steps are still being performed the same.

Regarding the applicant's argument that **Mendelevitch** is only directed towards categorizing the information is incorrect. As seen in P**age 1 Paragraph 12**, **Mendelevitch** is directed towards classification and **ranking**.

As a result, the Examiner asserts that **Mendelevitch** is, indeed, analogous art since the claimed invention and **Mendelevitch** are both directed towards the ranking of information. Since the Examiner has clearly stated that **Mendelevitch** is analogous art and does, indeed, perform the steps as disclosed in the claimed invention it is being further asserted that the scope and content of the applied prior art are being properly characterized.

31.   The applicant further argues that **Mendelevitch** fails to teach or disclose:

"indicating a preference regarding at least one service..."

and that the configurable threshold appears to be unrelated to any service or document.

However, the Examiner respectfully disagrees.

Specifically, the Examiner points out that **Mendelevitch** discloses that a, "communication module configured to receive a plurality of documents from one or more sources...a ranking module configured to, for each document-topic associated, automatically determine a confidence score and computer the confidence score to a user configurable threshold **(Page 2 ¶ 14)**."

As can be seen here, **Mendelevitch** does, indeed, disclose that a preference (threshold) is being indicated and that it is in regards to a selected piece of information (see discussion above regarding non-functional descriptive subject matter and that documents and services can be used interchangeably without changing the steps of the invention). In other words, **Mendelevitch** discloses that the threshold is, indeed, related to the document since it is being used by the ranking module in order to determine whether the document falls within the user's preference (threshold). That is to say, the ranking module uses the threshold (preference) indicated by the user as a means of ranking the documents.

32.   The applicant further argues that **Mendelevitch** fails to disclose:

"finding a set of possible lower-level services, by a service, using a directory at each level of the hierarchy..."

and that the Examiner is disregarding the "precise language of the claims...."

However, the Examiner respectfully disagrees.

Once again, the Examiner asserts that the information is directed towards non-functional descriptive subject matter for the reasons stated above. **Mendelevitch** clearly discloses finding information using a directory at each level of the hierarchy. In other words, **Mendelevitch** discloses that the information is organized into a multi-level hierarchy directory and that the information can be found using this directory.

33.   Applicant argues that they have found other, "mischaracterizations as to the teaching of **Mendelevitch** and the differences between **Mendelevitch** and the claims. However, an identification of these additional mischaracterizations is unnecessary and redundant given the already identified deficiencies of **Mendelevitch**."

In response to this, the Examiner is assuming that the applicant is refraining from repeating the arguments mentioned and responded to above. However, if there are other supposed errors in the rejection the Examiner asserts that all the rejections are maintained due to the lack of a reply by the applicant in regards to distinctly and specifically point out the supposed errors in the Examiner's action in the prior Office Action (37 CFR 1.111).

34.   In regards to the applicant's argument regarding the non-functional descriptive subject matter rejection, the Examiner has responded above.

In regards to the applicant's example, which states:

"...if a method of numerically adding two inputs receives, as inputs, the letters "j" and "k," then the adding step is will not be performed."

However, the Examiner respectfully disagrees.

Specifically, the Examiner notes that the provided example is not appropriate for the claimed invention. As discussed above, the invention is directed towards ranking information and, as pointed out, **Mendelevitch** performs the step of ranking of information amongst other steps. There is no manipulation of the information in the claimed invention, only searching and reorganizing of the information. As such, what the information is supposed to contain is irrelevant. **Mendelevitch** is fully capable of searching and reorganizing (ranking) information.

Moreover, the Examiner also asserts that numerically adding two inputs, wherein the inputs are "j" and "k", is, indeed, possible and that the example fails to provide sufficient parameters to show otherwise. For example, if "j" and "k" are place holders in a piece of code and have been assigned numerical values, then it is possible to add the two letters to produce a number. Another example would be the manipulation of equations, such as those found in Thermodynamics, Fluid Dynamics, Algebra, and the like. It is asserted that the equations found in these subjects deal with the manipulation (including, but not limited to, adding, subtracting, integrals, multiplication, and etc.) of equations, which usually consist of nothing but letters, in order to produce a final equation and substituting the corresponding numerical values or even producing a numerical value without the substitution of the numerical values.

Conclusion

35.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

Specifically, the applicant has included several amendments that were not

previously considered, such as, but not limited to, the inclusion of computer hardware

and a database. More specifically, the additions of these amendments were not part of

the originally filed specification and, thus, are considered to be new matter.

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gerardo Araque Jr. whose telephone number is

(571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM -

4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. A./
Examiner, Art Unit 3689
8/14/09

/Dennis Ruhl/
Primary Examiner, Art Unit 3689